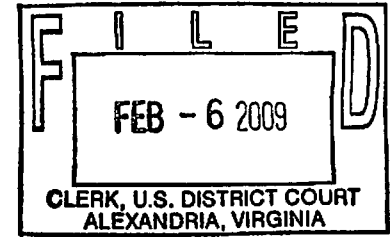


IN THE UNITED STATES DISTRICT COURT FOR THE

EASTERN DISTRICT OF VIRGINIA

Alexandria Division



UNITED STATES OF AMERICA

v.

JOHN COVERT,

Defendant.

CASE NO. 1:09mj 107

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Chad Gallagher, being duly sworn, depose and state:

1. Your Affiant has been employed as a Special Agent of the FBI since June 2004, and is currently assigned to the Washington Field Office. Since joining the FBI, I have investigated, among other things, violations of federal law in the sexual exploitation of children, and am currently investigating federal violations concerning child pornography and the sexual exploitation of children. I have gained experience through training in classes, and everyday work related to conducting these types of investigations. As a federal agent, Your Affiant is authorized to investigate violations of laws of the United States and is a law enforcement officer with the authority to execute warrants issued under the authority of the United States.

2. The statements contained in this Affidavit are based on my experience and background as a special agent working in the area of child exploitation and on information provided by other law enforcement agents. I have not set forth every fact resulting from the investigation; rather I have set forth a summary of the investigation to date to establish probable cause to charge JOHN COVERT ("COVERT"), of Falls

Church, Virginia, with violating Title 18, United States Code Section 2422 (b), Coercion and Enticement.

3. For the reasons set forth below, your Affiant contends that this affidavit contains ample probable cause to believe that COVERT attempted to persuade, induce, entice, or coerce any individual who has not attained the age of 18 years to engage in any sexual activity for which he can be charged with a criminal offense, including, but not limited to Va. Code § 18.2-63 (unlawful carnal knowledge of a child between the ages of 13 and 15 years old) and Va. Code § 18.2-370 (Taking Indecent Liberties with Children).

DETAILS OF INVESTIGATION

4. On or about December 28, 2008, an FBI special agent ("UC-1") accessed the Internet in an undercover capacity from a computer located in Manassas, Virginia. UC-1, posing as a 13-year-old girl and using the Yahoo screen name "BritanyRox94," came across a Craigslist.com ad posted by an individual who, "wanted to teach a younger inexperienced woman to give a blowjob." UC-1 responded to this ad stating he was a 13 year old female from Virginia. The subject replied to this email with a GMAIL user identified at "GTYDINGS." During the course of several undercover sessions occurring between December 28th, 2008 and February 03, 2009, numerous emails were exchanged between "BritanyRox94" and "GTYDINGS." In general, these IM's were sexual in nature and discussed in detail various sexual acts that "GTYDINGS" wanted to either teach or watch "BritanyRox94" perform. In addition to the sexual content, the emails sent from "GTYDINGS " included sexually explicit images of what appeared to be a young girl having engaged in oral sex and posing in a lascivious manner.

5. The IM's sent from "GTYDINGS" yahoo account, "stricktly4fun4u@yahoo.com," also expressed a desire to meet in person to engage in sexual acts. "GTYDINGS" also asked "BritanyRox94" about her sexual history.

6. On or about December 30, 2008, "GTYDINGS" stated, "I'd love to teach you to give a blowjob, as that's something every young woman should know hot to do."

7. On December 30th, 2008 "GTYDING" first asked via email if "BritanyRox94" had a webcam, "I'd love to see a picture (or more) of you. Maybe you have webcam you could be on sometime? :-)". On January 8th, 2009, "GTYDINGS" sent "BritanyRox94" an email stating, "WISH you had a webcam. I'd buy it for you if we could figure out a way to get it to you." "BritanyRox94" responded to this email stating she had a cousin that lives in Woodbridge, VA and has a post office box. "GTYDINGS" responded, "Absolutely I'll buy a webcam and send it to her. You have no idea how turned on I would be to watch you. Do you like the idea of an older mature man playing with his penis while he watches you? If you do what I ask on webcam, I will definitely cum." On January 12th, 2009, "GTYDINGS" sent "BritanyRox94" another email stating, "I'll want you to strip and show me every part of your part, and then and I will have you play with yourself while I watch. I will tell you what I want to see." On January 21st, 2009 "GYTDINGS" stated, "I mailed it about half an hour ago. It's a main branch of the post office so it might be there as early as tomorrow."

8. The DVR security footage from January 21st, 2009 from the Merrifield Post Office in Merrifield, VA shows an adult male matching the photo that "GTYDINGS" sent "BritanyRox94" purchasing a Bubble Mailer, putting what appears to

be a webcam in the mailer, and sending the package to an address in Woodbridge, VA.

This package arrived in Woodbridge, Virginia on January 22nd, 2009.

9. On or about January 12, 2009, in response to a subpoena issued by the FBI, GOOGLE stated strictly4fun4u@yahoo.com was a secondary e-mail address of the "GTYDINGS" account. "GTYDINGS" was using the IP address 68.98.186.97 from 12/10/08 until 1/7/09. In response to an administrative subpoena, Cox Communications, the owner of IP address 68.98.186.97, stated that from 09/12/2008 until 01/23/2009, this IP address was assigned to:

John Covert
xxxx xxxxxx xxx xxxxx
Falls Church, VA xxxxx
Account Number xxxxxxxxxxxxxx
Home Phone 703-xxx-xxxx

10. The Internet subscription address matches this address.

11. Through the course of his Internet communications with "BritanyRox94," "GTYDING" stated that he lives with his wife and mother.

12. Using commercially available databases, the undersigned confirmed that John Covert (DOB: xx/xx/1946; SSN: xxx-xx-2225) currently resides at xxx xxxxxx xxx xxxxx, Falls Church, VA xxxxx.

13. On or about February 6, 2009, law enforcement officers arrested John Covert at his residence in Falls Church. After being advised of his rights, Covert was interviewed and made a voluntary statement orally and in writing. In his written statement, he admitted to posting the craigslist ad but said that the ad contained a mostly exaggerated encounter with a 19 year old and was not intended to or aimed at attracting anyone underage. Covert also admitted to chatting with the person known to him as

"Britany," but said that her response to his ad was "dubious," that she pressed him for sexual details, and wanted to see him on webcam. He never intended to meet "Britany" and doubted she was real. He sent the web camera to "Britany" but never thought it would be set up. Covert orally admitted sending a child pornography image to "Britany."


CONCLUSION

14. Under the Code of Virginia, § 18.2-63, it is unlawful to have carnal knowledge of a child between the ages of 13 and 15 years old.

15. Under the Code of Virginia, § 18.2-370, it is unlawful to take indecent liberties with children.

16. Based on the above information, there is probable cause to believe that Title 18, United States Code, Section 2422(b), which makes it a federal crime for any person to knowingly persuade, induce, entice or coerce any individual who is not yet 18 years of age to engage in any sexual activity for which any person can be charged with a criminal offense, was committed by JOHN COVERT.

Respectfully submitted,


Chad Gallagher
Special Agent
Federal Bureau of Investigation

Sworn and subscribed to before me
this 6th day of February, 2009

/s/
John F. Anderson
United States Magistrate Judge